

## **EXHIBIT D**


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/413,395	09/27/89	GREENSPAN	1286

EXAMINER	
SPEAR, J	

ART UNIT	PAPER NUMBER
152	4

DATE MAILED:

06/18/90

 This is a communication from the examiner in charge of your application.  
 COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.  
 A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
 Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

## Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice re Patent Drawing, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, Form PTO-152
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

## Part II SUMMARY OF ACTION

1.  Claims 1-18 are pending in the application.
2.  Claims \_\_\_\_\_ have been cancelled.
3.  Claims \_\_\_\_\_ are allowed.
4.  Claims 1-15 are rejected.
5.  Claims \_\_\_\_\_ are objected to.
6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.
7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8.  Formal drawings are required in response to this Office action.
9.  The corrected or substitute drawings have been received on \_\_\_\_\_ Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).
11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved;  disapproved (see explanation).
12.  Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14.  Other

## EXAMINER'S ACTION

PTOL-928 (Rev.9-86)

LPM 000177

Serial No. 413,395

-2-

Art Unit 152

This action is in response to the election with  
traverse of claims 1-15 submitted May 17, 1990 by  
Timothy J. Martin. The applicants' arguments have been  
considered but they are not deemed to be persuasive.

The following is a quotation of 35 U.S.C. 103 which  
forms the basis for all obviousness rejections set forth  
in this Office action:

A patent may not be obtained though the invention  
is not identically disclosed or described as set  
forth in section 102 of this title, if the  
differences between the subject matter sought to be  
patented and the prior art are such that the  
subject matter as a whole would have been obvious  
at the time the invention was made to a person  
having ordinary skill in the art to which said  
subject matter pertains. Patentability shall not  
be negatived by the manner in which the invention  
was made.

Subject matter developed by another person, which  
qualifies as prior art only under subsection (f)  
and (g) of section 102 of this title, shall not  
preclude patentability under this section where the  
subject matter and the claimed invention were, at  
the time the invention was made, owned by the same  
person or subject to an obligation of assignment to  
the same person.

Claim 1 is rejected under 35 U.S.C. 103 as being  
unpatentable over Coleman, The Citrus Industry Pub.,  
November 1975.

Coleman shows a lotion hand cleaner comprising  
approximately 57% d-limonene, moisturizer (lanolin) and  
emulsifying agents (Arlacel and Tween). Although  
distilled citrus oil (94% d-limonene) is used it would  
be obvious to use orange oil, if it were not the source  
in this case. Page 24-25.

Claim 2 is rejected under 35 U.S.C. 103 as being

Serial No. 413,395

-3-

Art Unit 152

unpatentable over Coleman as applied to claim 1 above,  
and further in view of Dellutri US 4,620,937.

Dellutri shows a skin cleaner comprising d-limonene  
and further comprising aloe vera. To use aloe vera in  
the Coleman invention would be obvious since both  
inventors teach hand cleaners of similar compositions  
containing moisturizers. Col. 1, lines 60-65. Col. 3,  
lines 23-28.

Claims 3-7; 9-15 are rejected under 35 U.S.C. 103  
as being unpatentable over Coleman and Dellutri as  
applied to claim 2 above, and further in view of Juliano  
et al US 4,014,995.

Juliano for claim 3 shows compositions for use on  
the skin containing oat flour. Juliano further shows  
oat flour as an emulsifier. Col. 1, lines 34-40. Col.  
3, lines 16-25. To use the oat flour in the invention  
described above would be obvious in as much as the use of  
emulsifiers is a well recognized art. Nothing unobvious  
is seen by using oatmeal in claim 4, since oatmeal by  
definition is ground oats of a larger particle size than  
flour.

For claim 5 both Dellutri and Juliano teach  
compositions having a ph of 5.5. Juliano col. 2, lines  
3-13, col. 3, lines 5-15. Dellutri col. 3, lines 52-59.

Serial No. 413,395

-5-

Art Unit 152

The motivation to produce cleaning compositions for use on the skin arises from the teachings of Coleman, Dellutri, Juliano and Jones who suggest the desirability to prepare cleaners comprised of orange oil having enhanced cleaning properties. The formulations are non-toxic, stable and non irritating to the skin. Claims 1-5 are rejected.

The Group and/or Art Unit location of your application in the Patent and Trademark Office has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group 150, Art Unit 152.

Any inquiry concerning this communication should be directed to James M. Spear at telephone number 703-557-6525.

*JS*  
Spear:pla

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06/11/90

*James M. Spear*  
SPE  
AU152

TO SEPARATE, (HOT) TOP AND BOTTOM EDGES, SNAP-APART AND DRY 2D CARBON

FORM PTO-892 (REV. 3-78)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO.	GROUP ART UNIT	ATTACHMENT TO PAPER NUMBER	4	
NOTICE OF REFERENCES CITED				413395	152			
				APPLICANT(S)	Greenspan et al.			
U.S. PATENT DOCUMENTS								
*	DOCUMENT NO.	DATE	NAME		CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE	
A	4014995	3-77	Juliano et al.		514	783		
B	4533487	8-85	Jones		252	173		
C	4620937	11-86	Dellutri		252	162		
D								
E								
F								
G								
H								
I								
J								
K								
FOREIGN PATENT DOCUMENTS								
*	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SHTS. DWG.	PP. SPEC.
L								
M								
N								
O								
P								
Q								
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)								
R	D-Limonene as a Degreasing Agent Richard L. Coleman, The Citrus Industry Vol. 56, No. 11, November, 1975, pages 23-25							
S								
T								
U								
EXAMINER	DATE							
James M. Spear	6-1-90							
* A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05 (a).)								